

1 SENATE JOINT MEMORIAL 12

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 Cynthia Nava

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8 FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

9  
10 A JOINT MEMORIAL

11 REQUESTING THE PUBLIC EDUCATION DEPARTMENT TO STUDY HOW SCHOOL  
12 TRANSPORTATION FUNDING FOR SALARIES AND BENEFITS IS BEING  
13 SPENT.

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15 WHEREAS, each year, the legislature appropriates money to  
16 the public education department to fund to- and from-school bus  
17 transportation in public school districts statewide; and

18 WHEREAS, current law allows school districts to provide  
19 school bus transportation to students through the use of school  
20 bus service contracts, either with individual owner-operators  
21 or private school bus contractors or both; and

22 WHEREAS, by public education department rule, a person who  
23 owns only one bus and who drives the bus on a full-time basis  
24 is, as a driver, considered an employee of the school district,

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1 while a person who owns more than one bus is considered a self-  
2 employed private school bus contractor who hires the  
3 contractor's own employees; and

4 WHEREAS, since 1994, the money distributed through school  
5 bus service contracts by the public education department to  
6 private school bus contractors has included a thirty-five  
7 percent reimbursement rate for employee benefits paid by a  
8 private school bus contractor to employees; and

9 WHEREAS, private school bus contractors may provide up to  
10 thirty-five percent employee benefits for their employees; and

11 WHEREAS, the public education department reports that  
12 fewer than ten percent of the current private school bus  
13 contractors provide any form of employee benefits for their  
14 employees;

15 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
16 STATE OF NEW MEXICO that the public education department, the  
17 legislative education study committee and the legislative  
18 finance committee, in collaboration with public school district  
19 administrators and representatives of private school bus  
20 contractors, be requested to examine the funding of school  
21 transportation contracts to ensure that the employees of  
22 private school bus contractors have full access to the wages  
23 and benefits available to the contractor; and

24 BE IT FURTHER RESOLVED that the public education  
25 department report its findings and recommendations to the

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1 legislative education study committee by October 1, 2008; and

2 BE IT FURTHER RESOLVED that copies of this memorial be  
3 transmitted to the secretary of public education and the  
4 directors of the legislative education study committee and the  
5 legislative finance committee for appropriate distribution.

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